

REMARKS

Summary of the Office Action

This Amendment responds to the Office Action dated January 20, 2004. According to the Office Action:

Claims 1-3, 5-13, 14-15 and 17-30 stand rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 5,960,460 to Rasansky (hereinafter "Rasansky"); and

Claims 4 and 16 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. Rasansky in view of, respectively, the "Multilingual Glossary of Technical and Popular Medical Terms in Nine European Languages" (hereinafter "Glossary") and U.S. Patent No. 6,091,956 to Hollenberg (hereinafter "Hollenberg").

New Claims 31-32 are presented for the Examiner's consideration. Upon entry of this Amendment Response, currently pending are claims 1-32, including amended claims 14-27 and newly added claims 31-32.

Claim Rejection Under 35 U.S.C. § 102(e)

Claims 1-3, 5-13, 14-15 and 17-30 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Rasansky. Specifically with respect to independent claim 1 the Examiner asserts that Rasansky teaches "a system for allowing users to simultaneously contact multiple providers 'end user' . . . , the system comprising: a facilitator 'local director' that sets up, mediates and monitors communications between the providers and users and intervenes directly if needed." (See Office Action at 2) (citing Rasansky, 1:65-2:10; 2:14-21; 4:40-55). With respect to independent claim 27, the Examiner asserts that Rasansky teaches "a method for a facilitator to mediate communication exchanges between users and providers . . . , the method comprising the steps of: allowing the facilitator to view exchanges and histories of exchanges between users and providers "contact log." (See *id.* at 8) (citing Rasansky, 1:65-2:10; 18:25-35).

Contrary to the Examiner's assertion and specific citation of Rasansky does not disclose, teach, or suggest either "a facilitator that sets up, mediates and monitors communications between the providers and the users and intervenes directly if needed," as required by independent claim 1, or "allowing the facilitator to view exchanges and histories of exchanges between users and providers" as required by claim 27. Rasansky discloses a system that enables a user to set up a

group meeting with known third parties. Thus, the user knows in advance to whom the appointment inquiry is being sent. Rasansky does not teach or disclose a system that finds prospective third parties for a user. Instead, Rasansky discloses the “local director 40,” as cited by the Examiner, which “routes signals to the various servers 10 and to and through the transport medium 30.” (See Rasansky, 4:41-43). As Rasansky goes on, “the Appointnet system *delivers an inventory of events* created by one end user to at least one of the other end users of the system.” (See *id.*, 4:43-45) (emphasis added). “These events are typically appointments on the first end user’s . . . calendar.” (See *id.*, 4:43-48). “*In this manner, groups of possible events or appointments . . . can be compared to determine whether there is a commonality of times in several schedules . . .*” (See *id.*, 4:50-53). Therefore at most, the “local director” of Rasansky provides a visual comparison in the form of an “Active Scheduling Grid” or “calendar” to the user to compare an “inventory of events.” This does not disclose, suggest, or teach a facilitator that “mediates and monitors communications between the providers and the users,” nor does it disclose teach or suggest a facilitator that “intervenes if needed.” Moreover, Rasansky discloses maintaining a “Contact Log,” and specifically provides that the “Contact Log” area is preferably present in the “detail pages” shown in FIG. 21A. (See *id.*, 4:13-34). However, in opposition to the present invention, Figure 21A of Rasansky shows the “Contact Log” 1700 area on the detail page available to the end user and expressly states next to “Contact Log:” in a parenthetical, “Only you see this.” Therefore, the method of Rasansky does not disclose, teach, or suggest “allowing a facilitator to view exchanges and histories of exchanges between users and providers.”

For the above reasons, Applicants respectfully request withdrawal of the rejection. Claims 2-3 and 5-13 depend from claim 1, and claims 28-30 depend from claim 27 and should be allowed for at least the same reasons.

Claim 14 also stands rejected under 35 U.S.C. § 102(e) as being anticipated by Rasansky. Specifically, the Examiner asserts that Rasansky teaches a method for enabling a user to simultaneously contact a multitude of providers to secure an appointment on short notice, the method comprising the steps of “entering, by the user, at least one required criterion on a system web site, determining, by the system each provider within a specified area that meets the required criterion (match group id) . . .” (See Office Action at 5) (citing Rasansky 1:65-2:10; 11:10-50; 12:50-65).

Claim 14 has been amended to recite a method for enabling a user to

simultaneously contact a plurality of providers to secure an appointment on short notice, the method comprising the steps of, *inter alia*, “generating a confirmation to one of the plurality of responses to secure the appointment, by the user, and sending the confirmation to the provider associated with the one of the plurality of responses notifying, by the system, to a third plurality of providers for excluding the third plurality of providers from the appointment, the third plurality of providers being providers that did not receive the confirmation by the user.” No new matter is believed to have been entered as the amendments are fully supported by the application as filed. (See Application as Filed at 15, lines 10-21).

Rasansky does not disclose teach or suggest a method to secure an appointment, which includes generating a notification by the system, a plurality of providers for excluding the plurality of providers from the appointment as required by now amended claim 14. Instead the method of Rasansky discloses methods comprising “allowing an end user to communicate events to other potential end users or to himself, delivering the events from the initial end user to the other potential end users, or the initial end user . . . and confirming the events in a visible manner to both the initial end user, and other potential end users” (See Rasansky, 2:14-21). Moreover, Rasansky teaches away from excluding invitees designated by the end user. (*Id.*, 1:14-2:21)

For the above reasons, Applicants respectfully request withdrawal of the rejection. Claims 15, and 17-26 depend from claim 14 and should be allowed for at least the same reasons.

Independent claim 14 and its dependent claims have been amended to correct for proper antecedent basis and to ensure consistency of terms throughout the claims. In addition, claims 14 and 27 have also been amended so as to delete “required” from “required criterion” to more fully encompass the scope of the invention to which Applicants believe they are entitled to. With respect to claim 14, the claim limitation regarding a “provider’s proximity” has been amended and incorporated into claim 16, once again to more fully encompass the scope of the invention in claim 14 to which the Applicants believe they are entitled to.

Claim Rejection Under 35 U.S.C. § 103(a)

Claims 4 and 16 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Rasansky in view of Hollenberg. As shown above, claims 1 and 14 are believed to be patentably distinct over Rasansky. Claims 4 and 16 depend from claims 1 and 14 respectively, and should be allowed for at least the same reasons.

New Claims

Newly added claims 31 and 32 are presented for the Examiner's review and consideration. No new matter is believed to be presented as the new claims are fully supported by the application as filed.

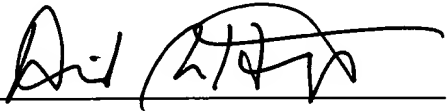
Conclusion

In view of the foregoing, Applicants respectfully request reconsideration and the timely allowance of pending claims 1-32. Should the Examiner feel that there are any issues outstanding after consideration of this response, the Examiner is invited to contact Applicants' undersigned representative to expedite prosecution.

EXCEPT for issue fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. §§ 1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account 50-0310. This paragraph is intended to be a **CONSTRUCTIVE PETITION FOR EXTENSION OF TIME** in accordance with 37 C.F.R. § 1.136(a)(3).

Respectfully submitted,
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